

Application No. 09/586,641
Amendment dated June 6, 2005
Reply to Office Action of March 28, 2005

REMARKS

Interview with the Examiner

The Applicant's representative would like to thank Examiner Thierry Pham for the courtesy extended during the Examiner's Interview conducted on May 25, 2005. The discussion centered primarily on how best to claim the reproduction characteristics while not requiring the output from an ink jet printer to be identical to that of a laser printer. Based upon the disclosure found on page 1, lines 11 and 12, the term "image quality" was suggested. This appeared to be agreeable to both parties and therefore, each of claims 1, 6, 11, and 16 has been amended to include this term.

Status Of Application

Claims 1-20 were pending in the application. By this Amendment, new claims 21-27 are added. The status of the claims is as follows:

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1-3, 5-8, 10-13, 15-18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,552,813 B2 to Yacoub ("Yacoub"), and in view of U.S. Patent No. 5,982,983 to Ito et al. ("Ito").

Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yacoub as applied to claim 1 above, and in view of Japanese Publication No. 410301737 (10-301737) (A) to Hirofumi Nishiwaki et al. ("Hirofumi").

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Claim Amendments

Claims 1, 6, 11, and 16 have been amended to recite "image quality" rather than the original "quality." Support for these amendments is found in the specification on page 1, lines 11 and 12 and therefore these amendments do not introduce any new matter.

35 U.S.C. § 112 Rejection

The rejection of claims 1-20 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, is respectfully traversed based on the following.

It is believed that the amendments from "quality" to "image quality," supported by the disclosure found on page 1, lines 11 and 12 of the specification, address the 35 U.S.C. § 112, second paragraph rejection. Based upon the Examiner's Interview discussed above, it appears the Examiner found this revised term acceptable. Each of independent claims 1, 6, 11, and 16 has been amended from "quality" to "image quality." Claims 2-5, 7-10, 12-15, and 17-20 depend from amended independent claims 1, 6, 11, and 16, respectively. Thus, the 35 U.S.C. § 112, second paragraph rejection for each of claims 1-20 is believed to be addressed.

Accordingly, it is respectfully requested that the rejection of claims 1-20 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-3, 5-8, 10-13, 15-18, and 20 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub, in view of Ito, is respectfully traversed based on the following.

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Claim 1 recites, in part:

a substitution controller for correcting print data, that was to have been printed out by the printer in which the problem is detected by said detector, based on a color information of the printer in which the problem is detected by the detector and a color information of the selected substitute printer...

This limitation therefore requires the print data to be corrected based upon both the color information of the printer with a problem and the color information of the selected substitute printer.

As stated in the Office Action, Yacoub fails to explicitly teach and/or suggest a substitution controller for correcting print data based on color information of the printer with a problem and the substitute printer. For this reason, the Office Action combines Yacoub with Ito. The Office Action asserts that Ito teaches correcting print data based upon the characteristics of the output device, such as a printer. However, this correction is based solely upon the characteristics of the output device. Ito, column 3, lines 55-57 state, “[t]his correction is a density gradation correction in response to a recording characteristic of the connected printer B.” Column 4, lines 4-14 of Ito further disclose the look-up tables compensate for such things as “the atmosphere around the printer B” and “how long the printer B has been used.” However, Ito does not disclose correcting print data based upon characteristics of both an original output device and a substitution output device. Thus, the combination of Yacoub and Ito does not disclose or suggest correcting print data based on color information of both the printer with the problem and the substitute printer. By not disclosing or suggesting correcting print data based on both sets of color information, the combination of Yacoub and Ito fails to render obvious claim 1, which includes this limitation.

Claims 2, 3, and 5 depend from claim 1. As the combination of Yacoub and Ito fails to render obvious the invention of claim 1, claims 2, 3, and 5 are nonobvious for at least the same reasons. Claims 2, 3, and 5 include additional distinguishing features.

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Claim 2 requires that the print data include color print data. The Office Action asserts Ito discloses the use of color print data. However, a search of Ito, including the indicated column 2, lines 5-65, reveals the term "color" does not appear any place within Ito. Because Ito does not disclose or suggest color print data as asserted by the Office Action, the Office Action fails to establish a *prima facie* case of obviousness with respect to at least one additional limitation of claim 2.

Claims 6-8 and 10 are method claims generally corresponding to claims 1-3 and 5. As claims 1-3 and 5 are considered nonobvious over the combination of Yacoub and Ito, claims 6-8 and 10 are considered nonobvious for at least the same reasons.

Claims 11-13 and 15 are computer readable medium claims including executable code for generally carrying out the methods of claims 6-8 and 10. As claims 6-8 and 10 are considered nonobvious over the combination of Yacoub and Ito, claims 11-13 and 15 are considered nonobvious for at least the same reasons.

Claims 16-18 and 20 are printing system claims generally including at least the same distinguishing features as claims 1-3 and 5. As claims 1-3 and 5 are considered nonobvious over the combination of Yacoub and Ito, claims 16-18 and 20 are considered nonobvious for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 5-8, 10-13, 15-18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Yacoub, in view of Ito, be reconsidered and withdrawn.

The rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub (and presumably Ito) as applied to claim 1 above, in view of Hirofumi, is respectfully traversed based on the following.

As discussed above, the combination of Yacoub and Ito does not render obvious the invention of claim 1. The combination of Yacoub and Ito fails to disclose or suggest

correcting print data based on color information of the printer with a problem and on the color information of the substitute printer. Hirofumi similarly fails to disclose or suggest correcting print data based on color information of both the printer with a problem and the selected substitute printer. Therefore, the combination of Yacoub, Ito, and Hirofumi fails to disclose or suggest each limitation of claim 1. Because the combination of Yacoub, Ito, and Hirofumi fails to disclose or suggest each limitation of claim 1, the combination cannot render obvious the invention of claim 1. Claim 4 depends from claim 1 and is nonobvious over the combination of Yacoub, Ito, and Hirofumi for at least the same reasons.

Claims 9, 14, and 19 depend from claims 5, 10, and 15, respectively. Claims 5, 10, and 15 are considered nonobvious over the combination of Yacoub, Ito, and Hirofumi for the reasons given above. Claims 9, 14, and 19 are considered nonobvious over the combination of Yacoub, Ito, and Hirofumi for at least the same reasons as claims 5, 10, and 15.

Accordingly, it is respectfully requested that the rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yacoub (and Ito) as applied to claim 1 above, in view of Hirofumi, be reconsidered and withdrawn.

New Claims

New claims 21-24 and 26 provide additional limitations to the term "image quality." These limitations are supported by page 1, lines 11 and 12 of the specification. New claim 25 claims a printer control method for correcting print data that was processed based on a first reproduction characteristic of a first printer by reprocessing the print data based on a second reproduction characteristic of a second printer. Page 10, line 3 through page 11, line 11 of the specification describes the correction of print data based upon the reproduction characteristics of both first and second printers. New claim 27 provides additional limitations to the terms first and second reproduction characteristics and

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therefore also finds support on page 10, line 3 through page 11, line 11. Therefore, new claims 21-27 do not introduce any new matter.

CONCLUSION

In view of the foregoing, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.

This Amendment increases the number of independent claims by one, from four to five, and increases the total number of claims by seven, from 20 to 27, but does not present any multiple dependency claims. Separately, if an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$550 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if any fee pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, is required by this response, please

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charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.
Any refund should be credited to the same account.

Respectfully submitted,

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